

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

Dockets

222

EX PARTE OR LATE FILED

21 MAY 1992

92-9

RECEIVED IN REPLY REFER TO:  
CN9201461

MAY 26 1992

Honorable Steny H. Hoyer  
House of Representatives  
1705 Longworth House Office Building  
Washington, DC 20515-2005

Federal Communications Commission  
Office of the Secretary

Dear Congressman Hoyer:

Thank you for your letter on behalf of the Southern Maryland Electric Cooperative, Inc. (SMECO), regarding proposals to allocate spectrum in the 2 gigahertz (2 GHz) range for emerging technologies. You express concern with the impact such an allocation would have upon public utilities and the cost to consumers of public utility services.

The Commission is sensitive to the concerns raised by incumbent users of the 2 GHz band, but also is committed to the introduction of new technologies. The primary issue before the Commission in this proceeding is finding ways to strike a balance in spectrum allocation policies that will accommodate new technologies while ensuring that existing users can maintain and enhance the quality of their present operations. We are committed to finding a way to accommodate those competing interests in our proceeding. The Commission has sought comment on a number of ways in which spectrum could be made available for emerging technologies. One proposal which holds particular interest would allow incumbent users of the 2 GHz band to remain in the band indefinitely on a co-primary basis. Any relocation would be on a voluntary basis for which compensation for the move would be negotiated and paid by the new user. Further, new service providers would be required to protect all existing operations. This proposal would not require any incumbent user to move from its existing frequencies; would enable an incumbent's move to other frequencies to be fully compensated by the new users, should the incumbent choose to move; and would enable the incumbent to ensure that its move to other frequencies would be accomplished without cost or disruption to its communications.

The Commission is taking several actions to ensure that the concerns of the existing users are fully addressed. In March, Chairman Sikes directed the Chief of Staff to assemble a team of senior Commission staff and convene meetings with incumbent users of the 2 GHz band to further explain the Commission's proposals and explore ways to resolve the issues raised by these users. Three of these meetings already have been held, including one with proponents of emerging technologies. All three meetings were attended by interested Congressional staff.

The dialogue between the Commission and the incumbent users already has borne fruit in one significant area. Last week, the Commission announced that it would permit existing users of the 2 GHz band to modify or expand their systems in a wide variety of ways without being considered secondary to the outcome of the emerging technologies proceeding. This new policy is important to incumbent users, because it permits them to continue to meet their communications needs by making necessary modifications to their microwave systems and removes the possibility that their modifications could be nullified by Commission action in the emerging technologies proceeding.

Additionally, in order to permit the fullest possible public comment on the issues raised by the emerging technologies proposal, including any financial or operational impact upon public utilities, the Commission extended the comment cycle in the proceeding by 45 days. June 5 is the initial comment deadline, and July 6 is the deadline for reply comments. We look forward to the comments filed in the proceeding, and will welcome particularly any additional proposals that might accommodate the competing demands for this important spectrum. Specifically, further notices of proposed rule making will be issued if necessary to address significant technical or operational issues raised in this docket or by authorized PCS experiments.

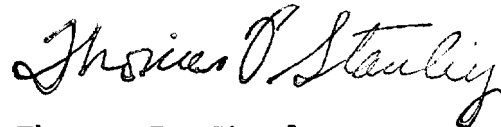
The Commission is working aggressively in five ways to improve access to alternative spectrum for incumbent users. First, our staff is continuing its work on the 4 and 6 GHz bands and the Commission would consider taking additional action as necessary to facilitate incumbent's use of those bands. Second, the Commission is working with the Commerce Department to gain access for private use of spectrum in the 1710-1850 MHz band that currently is reserved exclusively for Government use. We welcome the opportunity to work with Congress on this issue through oversight or spectrum legislation. Third, the Commission has proposed to facilitate incumbent users' relocation to new spectrum by waiving application rules so that these users could have immediate, preferred access. Technical rules would be developed as necessary to facilitate this relocation. Fourth, the Commission has proposed to permit existing users of the 2 GHz band to voluntarily relocate to other bands after negotiations with new users. As mentioned above, the terms of any voluntary relocation would likely include, at a minimum, payment by the new users of the cost of that relocation. Finally, the Commission recently requested comment on a petition from the Utilities Telecommunications Council proposing amendments to the Commission's rules to provide for use of additional frequencies by private microwave systems.

Honorable Steny H. Hoyer

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One of the Commission's most important goals in this proceeding is accommodating the legitimate needs of the current users of the 2 GHz spectrum while providing for new technologies. We will continue to work closely with existing users of the 2 GHz spectrum, and all parties in this proceeding, to achieve those goals. I am including your letter in the public record in General No. Docket 92-9.

Sincerely,

A handwritten signature in cursive script, reading "Thomas P. Stanley". The signature is written in dark ink and is positioned above the printed name and title.

Thomas P. Stanley  
Chief Engineer

called Theresa, on 5-1  
(3:35 pm) for pickup

# Congressional

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,  
AND REPLY FOR DOCKET FILE, ROOM 222.

## CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 05/11/92

### LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9201461	05/11/92	05/01/92	05/22/92	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Steny Hoyer	BC

CONSTITUENT'S NAME	SUBJECT
personal views	re: New Personal Communications Services

REF TO	REF TO	REF TO	REF TO
OET	SED	FAB	

DATE	DATE	DATE	DATE
05/08/92	5/11/92		

REMARKS:

Returns to OET 5/20/92

located in sag 5/14/92

STENY H. HOYER  
5TH DISTRICT, MARYLAND

CHAIRMAN  
DEMOCRATIC CAUCUS

CO-CHAIR  
COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE

DEMOCRATIC STEERING  
AND POLICY COMMITTEE

**Congress of the United States**

**House of Representatives**

**Washington, DC 20515-2005**

May 1, 1992

DET  
90-314  
APPROPRIATIONS COMMITTEE

TREASURY, POSTAL SERVICE,  
GENERAL GOVERNMENT

LABOR,  
HEALTH AND HUMAN SERVICES,  
EDUCATION

DISTRICT OF COLUMBIA

1461  
RECEIVED

MAY 1 1992

LEGISLATIVE AFFAIRS  
OCPA

Ms. Donna Searcy  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

Re: General Docket 92-9

Dear Secretary Searcy:

I am writing this letter on behalf of the Southern Maryland Electric Cooperative, Inc. (SMECO) who has contacted me regarding the Federal Communications Commission's (FCC) Proposed Frequency Reallocation of 220 MHz of spectrum, between 1.85 and 2.20 GHz, for emerging telecommunications technologies.

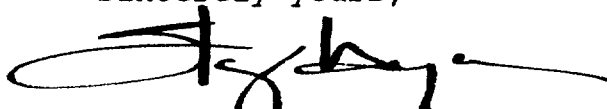
As you well know, public utility users such as SMECO will be significantly impacted by a reallocation, which of course will be a cost passed on to the consumer. I am greatly concerned that utility customers, not only in my Congressional district but throughout the country, may be forced to pay higher costs for their electricity. It appears that in an effort to incorporate new services and technologies, current microwave service users are being penalized in the process.

Although, I am aware that the FCC is making an effort to minimize the adverse impact of reallocation, I remain concerned that the loss of the spectrum will still be of significant consequence to electric utilities and consumers. I would appreciate the careful scrutiny of the FCC during the "Public Comment" period and subsequent review and further request that favorable treatment be given to current licensees who are the rightful users.

It is my intention to have this correspondence included in the "Public Comment" phase of the Notice of Proposed Rulemaking. Please keep me informed of any additional action that the FCC proposes which may have a disparate impact on current spectrum users.

With kindest regards, I am

Sincerely yours,

  
STENY H. HOYER

\* STENY H. HOYER  
5TH DISTRICT, MARYLAND

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DEMOCRATIC CAUCUS

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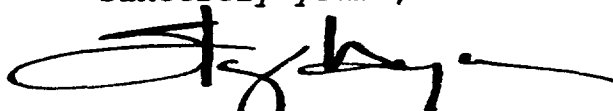
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